

### **REMARKS**

Claims 1-21 are now pending in the application. The Examiner is further respectfully requested to reconsider the requirement to elect a single species for prosecution in view of the amendments and remarks contained herein.

### **ELECTION/RESTRICTIONS**

The Examiner noted the application contains claims directed to patentably distinct species of the claimed invention. The Examiner noted Applicants are required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be patentable. Per the Examiner, the application contains claims directed to two patentably distinct species of the claimed invention, wherein species I is directed to the embodiment of Figure 2 and species II is directed to the embodiment of Figure 3. Applicants provisionally elect species I directed to Figure 2, with traverse.

The Examiner further noted upon election of one of the species identified as species I and II, applicant is further required under 35 U.S.C. §121 to elect a single disclosed species from the species identified as species groups A-F for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be patentable. In addition to the above provisionally elected species I, Applicants further provisionally elect to prosecute the species of group "A" wherein each water passage has the shape of a circle, with traverse.

Claims 1-6, 8-12, 14-15 and 17-20 read on the elected species.

The Examiner is respectfully requested to reconsider the restriction requirement with respect to the present application because it is believed that it would not produce a serious burden upon the Examiner to maintain at least the species of Figure 3 together with the provisionally elected species of Figure 2, because both have the common features of separate groups of part length and full length fuel rods distributed about the fuel bundle and a group of part length fuel rods positioned adjacent to a water passage, therefore searches for both should encompass the same class(es). (See MPEP §803.)

**CONCLUSION**

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 668-8000.

Respectfully submitted,

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